

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 1512-1, 2839-1. 3781,
3795

**DEBTORS' SUPPLEMENT TO FIFTH OMNIBUS MOTION FOR
APPROVAL OF MODIFICATIONS TO THE AUTOMATIC STAY**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Sales Tax Financing Corporation (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”), as Title III debtors, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management,*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

and Economic Stability Act (“PROMESA”),² respectfully submit this supplement (the “Supplement”), to the *Debtors’ Fifth Omnibus Motion for Approval of Modifications to the Automatic Stay* [ECF No. 3781] (the “Fifth Omnibus Motion”), pursuant to sections 362(d)(1) and 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), made applicable to these cases by PROMESA section 301(a), and in accordance with Paragraph III.Q of the Case Management Procedures (as defined below), for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), approving the modifications to the automatic stay set forth in Bankruptcy Code sections 362(a) and 922(a) (the “Title III Stay”), for parties to certain administrative employment actions against the Commonwealth as set forth in **Exhibit 1** to the Proposed Order, *nunc pro tunc* to the date of this Supplement. In support of this Supplement, the Debtors respectfully represent as follows:

Supplement

1. This Supplement incorporates in full, as if set forth herein, the contents and factual and legal assertions of the Fifth Omnibus Motion and supplement it as follows.

Background

2. On August 21, 2018, the Court granted the Fifth Omnibus Motion, which modified the Title III Stay as set forth in the attached exhibits, *nunc pro tunc*, to the dates specified therein [ECF No. 3795].

3. The Commonwealth desires to supplement the Fifth Omnibus Motion to include modifications to the automatic stay with respect to approximately 90 administrative employment actions against the Commonwealth. Because of the numerosity of the actions, it is logistically burdensome for the Commonwealth to enter into stipulations to modify the automatic stay with respect to each party to each action. Furthermore, to allow these actions to proceed without

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

unnecessary delay, the Commonwealth is seeking the relief requested herein by supplementing the Fifth Omnibus Motion.

Relief Requested

4. By this Supplement, the Debtors seek to supplement the Fifth Omnibus Motion, to include modifications to the stay that were agreed by the Debtors shortly after the filing of the Fifth Omnibus Motion. The Supplement seeks to approve modifications to the Title III Stay agreed to by the Commonwealth, through this Supplement and without the need for a stipulation in accordance with Paragraph III.Q of the Case Management Procedures, solely to allow the labor claims detailed on Exhibit 1 to the Proposed Order to continue through judgment but not the execution or enforcement of any monetary judgment.

5. Accordingly, the Debtors request that the Court enter an order approving the modifications of the Title III Stay set forth on Exhibit 1 to the Proposed Order.

Notice

6. The Debtors have provided notice of this Supplement in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) the parties set forth in

³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Exhibit 1 to the Proposed Order. A copy of this Supplement is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

7. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

No Prior Motion

8. The Debtors have not made any prior motion for the relief sought in this Supplement to this or any other court.

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WHEREFORE, the Debtors respectfully request entry of the Proposed Order in the form attached hereto as **Exhibit A**, approving the modifications of the Title III Stay set forth on Exhibit 1 to the Proposed Order, and granting such other and further relief as the Court may deem proper.

Dated September 12, 2018
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

Martin J. Bienenstock (admitted *pro hac vice*)
Brian S. Rosen (admitted *pro hac vice*)
Paul V. Possinger (admitted *pro hac vice*)
Ehud Barak (admitted *pro hac vice*)
Maja Zerjal (admitted *pro hac vice*)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900

*Attorneys for the Financial Oversight
and Management Board as Representative
for the Debtors*

/s/ Hermann D. Bauer

Hermann D. Bauer
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944

*Co-Attorneys for the Financial Oversight
and Management Board as Representative
for the Debtors*